

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

RAPHAEL HERNANDEZ

CASE NUMBER: 89-0470-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 20, 1972 in Suffolk county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

move or travel in interstate commerce with the intent to avoid custody or confinement after conviction for a felony under the laws of the state of Massachusetts.

in violation of Title 18 United States Code, Section(s) 1073

I further state that I am a(n) Special Agent of the FBI and that this complaint is based on the following facts:
Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

DA Kathleen L. Branigan
Signature of Complainant KATHLEEN L. BRANIGAN

Sworn to before me and subscribed in my presence,

December 14, 1989
Date

at

Boston, Massachusetts
City and State

LAWRENCE P. COHEN
United States Magistrate

Name & Title of Judicial Officer

Lawrence P. Cohen
Signature of Judicial Officer

AFFIDAVIT

Boston, Massachusetts

I, Kathleen L. Branigan, Special Agent, Federal Bureau of Investigation, being duly sworn, upon my oath depose and state:

1. The Federal Bureau of Investigation has been requested to assist the City of Boston Penal Institutions Department in the location and apprehension of RAPHAEL HERNANDEZ.

2. I have been informed by Robert C. Zoebisch, Corrections Officer, City of Boston Penal Institutions Department as follows:

a. RAPHAEL HERNANDEZ has been charged with Escape from a Penal Institution;

b. Escape from a Penal Institution is a Felony under Massachusetts General Laws;

c. On September 20, 1972 a warrant was issued by the East Boston District Court for the apprehension of RAPHAEL HERNANDEZ.

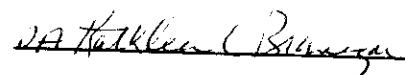
d. Law enforcement efforts to locate RAPHAEL HERNANDEZ within the Commonwealth of Massachusetts have been unsuccessful;

e. It is believed that RAPHAEL HERNANDEZ has fled the Commonwealth of Massachusetts and is currently residing at some unknown location outside the District of Massachusetts;

f. Arrest information provided by the State of New York indicated that HERNANDEZ may be residing in the state of New York;

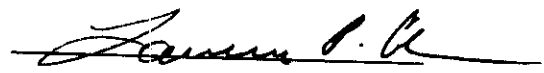
g. The City of Boston Penal Institutions Department will rendite RAPHAEL HERNANDEZ if he is apprehended outside the District of Massachusetts.

3. Attached hereto and made a part hereof are certified copies of the Arrest Warrant and Complaint issued out of the East Boston District Court.



Kathleen L. Branigan,
Special Agent, FBI

Subscribed and sworn to before me this 14th day of December,
1989.



United States Magistrate

WARRANT

☒ ADULT
☐ JUVENILE

East Boston

 Court of Massachusetts
 District Court Department


NAME OF DEFENDANT

 Raphael Hernandez
 4025 Union Street
 New Jersey

DOCKET NUMBER(S)

 DUPLICATE
 9026 of 1972

OFFENSE(S)

Escape from a penal institution

5'3 - 150 lbs

eyes - Brown

Hair - Brown

SS# - unknown

CC# - unknown

DATE OF BIRTH

12/16/52

SEX

☒ MALE

FEMALE

RACE

U

POLICE DEPARTMENT

Boston

REASON FOR WARRANT

- ☒ Representation of prosecutor that defendant may not appear unless arrested.
- ☐ Defendant failed to appear after being summoned to appear.
- ☐ Defendant failed to appear after recognizing to appear.
- ☐ Defendant failed to pay [fine] [costs] in the amount of \$
- ☐ Defendant failed to pay non-criminal motor vehicle fine in the amount of \$
- ☐ Defendant was convicted of the offense(s) listed above on _____ and placed on probation until _____ and has, as represented to the court, failed to comply with the conditions of probation by _____
- ☐ Other: _____

TO ANY OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS:

The court has ordered that a

- ☒ Warrant } issue against the above defendant.
- ☐ Default Warrant }

Therefore you are hereby commanded to arrest the above named defendant and bring the defendant forthwith before this court to answer to the offense(s) listed above and to be dealt with according to law.

NOTE: The defendant may not be bailed on a default warrant without a special order of the court.

FIRST JUSTICE

DATE OF ISSUE

CLERK-MAGISTRATE/ASST. CLERK

WITNESS:

Joseph V. Ferrino

9/20/72

 X *Rene Brincione*

 RETURN
 OF
 SERVICE

By virtue of this warrant, I certify that

- ☐ The defendant has been arrested as ordered by the court.
- ☐ I am returning the warrant without service to the court.

A TRUE COPY COPY,

ATTEST:

G. Claire Kelly
 CLERK

DATE OF ARREST

SIGNATURE OF PERSON MAKING SERVICE

TITLE OF PERSON MAKING SERVICE

X

TO THE JUSTICES OF THE EAST BOSTON DISTRICT COURT, holden in the City of Boston, in the East Boston District, for the transaction of criminal business, within the County of Suffolk,

Frederick F. Riley,

of the City of Boston, ~~Winthrop~~, in the County of Suffolk, Police Officer, in
behalf of the COMMONWEALTH OF MASSACHUSETTS, on oath complains that

Raphael Hernandez,

~~of said Boston, Winthrop~~ ^{New Jersey,} on the seventeenth day of September,
in the year of our Lord one thousand nine hundred and seventy-two,

at Boston, ~~Winthrop~~, aforesaid, and within the Judicial District of said Court

did then and there escape from a penal institution, to wit:
Suffolk County House of Correction,

against the peace of said Commonwealth and the form of the statute in such case made and provided.

Frederick F. Riley

SUFFOLK, TO WIT:

TAKEN AND SWORN TO, this twentieth day of September,
in the year of our Lord one thousand nine hundred and seventy-two.

BEFORE SAID COURT

A. Claire Kelley
ASSISTANT CLERK.

A TRUE COPY COPY.

ATTEST:

A. Claire Kelley
Ass. CLERK

FFOLK, ss.

CITY OF BOSTON,

19

I have arrested the within-named Defendant

without a warrant

and have him

in Court.

Police Officer of the City of Boston.
Town of Winthrop.

19 72

EAST BOSTON
DISTRICT COURT

No. 9026

COMMONWEALTH

ON COMPLAINT OF

Frederick F. Riley

vs.

Rafael Hernandez

Escape from a penal
institution

G. L. Ch. 268 Sec. 16

Acts Ch.

Exam.

A TRUE COPY COPY,
ATTEST
G. Blair Kelly
CLERK

9-8-89 hnd 155d Billman
Ret'ble 9-23-89.